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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,846	04/12/2000	Jeremy Rosenberg	14688-504	6270

29315 7590 07/17/2002

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC  
ONE FOUNTAIN SQUARE  
11911 FREEDOM DRIVE, SUITE 400  
RESTON, VA 20190

EXAMINER

CHANG, SABRINA A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/547,846

Applicant(s)

ROSENBERG, JEREMY

Examiner

Sabrina Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

DETAILED ACTION

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-8, 10-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daly et al. U.S. Patent No. 5,878,141 in view of Schlasberg PCT No. WO 99/17320.**

Daly et al. discloses a computerized purchasing system. A customer can make a purchase from any of a number of electronic devices via different forms types of interactive communications networks [Col 6]. In one embodiment a customer can shop using an interactive television system. The interactive television system includes a head end server (fulfillment system), plural set-top boxes and a distribution network interconnecting the head end server and set-top boxes. The customer watches a program and is presented with information regarding a good and/or service [Col 10, Line 10]. The customer is given the option to purchase goods and/or services related to the program [Col 4, Line 60].

A customer database at the head end server correlates a set of personal payment methods with corresponding customers. A purchase request is generated over the distribution network from the set-top box, when the customer wishes to make a purchase. The purchase request identifies the customer making the purchase [Col 12]. The customer's purchase is evaluated to determine if it exceeds their allowance. If the customer's selection exceeds the allowance of the

payment methods, the purchase request is denied, else the customer is allowed to select from their available payment options to proceed with the purchase.

In reference to claim 1, 14, Daly et al. does not explicitly disclose providing, by the fulfillment system to a device associated with the consumer associated with the particular remote device at which the instruction was received the purchasable item using a transmission medium different from the transmission medium used for the broadcast message.

In reference to claims 2, 3, 8, 13, 16, Daly et al. does not explicitly disclose maintaining at the fulfillment system a memory containing data associating each remote device with a user. Daly et al. further does not disclose maintaining at the fulfillment system a memory containing data associating each remote device wherein each remote device receives information using different transmission mediums.

In reference to claims 10 and 11, Daly et al. does not explicitly disclose a storage means for storing information correlating the remote devices associated with the remote consumers with a set of remote devices associated with the consumers, nor does it explicitly disclose at least one table including an identifier for each remote device and data indicating a delivery address for transmitting items to the set of client devices associated with the consumers in response to the received purchase requests. Device identifiers are widely known in the art, e.g. unique cable subscriber or IP addresses, etc. Daly et al. is able to identify a customer from their purchase request sent from the set-top box. This inherently comprises a database/table associating the device with the customer and subsequently the customer profile information.

**Schlasberg teaches an information distribution system.** The user can access a database of information and request a particular information object to be delivered to them

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digitally or otherwise. The information provider has a second database that stores the user's receiving address(es). When the user requests an object, they are given the option of selecting between at least two receiving addresses stored in a database that associates multiple addresses with one user [Page 7, Line 20–Page 8, Line 20]. The addresses can identify user devices that receive data using different transmission mediums, e.g. one address is a cell phone number, another being an email address [Figure 1].

In that the system of Daly et al. already allows the user to select their method of payment from a plurality of stored options, it would have been obvious to further modify the system to allow the customer to choose their method of delivery from a database storing their delivery options, as taught by Schlasberg, to allow the customer to receive their purchase anywhere in case the user device they are ordering from has limited information receiving capability [Schlasberg, Page 8, Line 0].

In reference to claim 12, neither Daly et al. nor Schlasberg explicitly discloses a system wherein information reflecting the transmission medium for the transmitting means to transmit items to each of the client devices is stored. However, nature of the address whether it is a telephone number or an email address, inherently reveals the type of medium being used to transmit the items.

**Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daly et al. U.S. Patent No. 5,878,141 in view of Schlasberg PCT No. WO 99/17320 in further view of “Set-top box for television that reads your mind” (Taylor, Paul. December 30, 1998. Financial Times)**

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Daly et al. discloses a shopping system wherein customers can order products/services from a remote device through interactive networks. Daly et al. does not explicitly disclose the ability to have the products/services delivered to the customer through a transmission medium different from the one that they used to make the purchase. Schlasberg teaches a system wherein users can request information and have it delivered to them from a selection of addresses, across multiple transmission mediums.

In that the system of Daly et al. already allows the user to select their method of payment from a plurality of stored options, it would have been obvious to further modify the system to allow the customer to choose their method of delivery from a database storing their delivery options, as taught by Schlasberg, to allow the customer to receive their purchase anywhere in case the user device they are ordering from has limited information receiving capability.

Neither Daly et al. nor Schlasberg explicitly discloses that a system wherein the remote device maintains a set of previously broadcasted messages for a predetermined time.

'Set-top box' teaches a system wherein an interactive remote device receives broadcasts from a central location and stores the broadcasts for a predetermined period of time. It would have been obvious to modify the system of Daly et al. and Schlasberg to include the ability to store broadcasts, as taught by "set-top box" in order to increase customer exposure to available products.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703 308 1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305 7687 for regular communications and 703 305 7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

SC

July 15, 2002

  
WYNN W. COGGINS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600